

**(1) Access to Irrigation Facilities.**

(a) Pressurized. If a parcel, which is currently serviced by a pressurized secondary irrigation system, is subdivided, the developer shall provide the necessary easements and infrastructure to provide such service to each lot.

**(2) Irrigation Facility Encroachment Protection.**

(a) No irrigation facility, easement or right-of-way shall be encroached upon either overhead, on the surface or underground without the express, written permission of the owner of the facility. Examples of these encroachments include, but are not limited to the construction of bridges, utility crossings, fences, roadways, sidewalks, curb and gutter, overhead cables, structures, etc.

(b) Developers shall recognize and protect all existing easements and rights-of-way for irrigation facilities and shall identify them on the preliminary and final plats.

(c) Where existing easements are only prescriptive, Developers shall dedicate and convey an easement, to the owner of the facility, of sufficient length and width to allow historic irrigation and maintenance activities to continue

**(3) Irrigation Facility Improvements.**

(a) Equalization ponds. To assure that proper service can be maintained, developers may be required to participate in the costs of off-site equalization ponds.

(b) To protect the health and safety of residents and the stability of land and structures, developments adjacent to, immediately downstream of or containing open, unlined canals or ditches may be required to pay for the cost of lining or piping the canals or ditches.

**(4) Relocation of Existing Irrigation Facilities.** All costs associated with the relocation of existing irrigation facilities to facilitate or accommodate a development shall be borne by the developer. Such relocation shall meet the standards of the owner and operator of the irrigation facility.

**(5) Bank Stability.** No work, which may compromise the stability of a ditch or canal bank, shall be allowed. Any landscaping shall not include any deep-rooted vegetation and shall not occur within canal easements or right-of-ways without the written permission of the canal owner and operator.

**(6) Fencing.** Installation and maintenance of any fencing adjacent to open canals or ditches shall be the responsibility of the developer and/or landowner.

**(7) Drainage.** No drainage of any kind shall be directed to or allowed to flow into an irrigation facility without the express written permission of the owner and operator of the irrigation facility.

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